

# OFFICE OF COURT ADMINISTRATION



**On Behalf of**  
**TASK FORCE ON INDIGENT DEFENSE**  
**Procedure Manual for the Indigent**  
**Defense Expenditure Report**  
**Fiscal Year 2010**

August 27, 2010

<b>Report Due Date November 1, 2010</b> <b>How to Complete this Report:</b>	
1.	Collect case and expense information from the county's general ledger or invoices for payments made to represent indigent defendants or juvenile respondents
2.	Review the information to ensure that no payments related to civil cases or general government costs are included
3.	Log into the Task Force data collection webpage and enter data by court.
4.	Confirm the court page information and the countywide totals against the general ledger totals from county records
5.	Select submit and print the resulting confirmation page

## Table of Contents

Purpose of the Manual .....	3
Contents of the IDER.....	3
Users of This Manual.....	3
Use of the Report Data.....	3
Glossary .....	3
Statute .....	5
Policy .....	6
Relationship of Court Cases to County Expenditures.....	6
Table 1. Types of Counsel Systems.....	7
Report Requirements .....	7
Allowable Costs .....	8
Table 2. Examples of Increased Administrative Costs .....	8
Unallowable Costs .....	9
Allocation of Costs .....	10
Record Retention Requirements .....	10
Special cases .....	10
Monitoring and Auditing .....	11
Public Defender Offices.....	11
Regional Public Defender Offices and Programs Involving Direct Client Services .....	11
How to submit a report .....	11
Direct comments or questions to: .....	14
Appendix A.....	15
SAMPLE FORMS .....	15
Main Report Page .....	15
Administrative Expenditure Page .....	18
Appendix B .....	21
Calculating the Formula Grant.....	21
Table 3... Examples of Grant Calculations .....	21

## Purpose of the Manual

This report manual provides instructions for submitting the Indigent Defense Expenditure Report (**IDER**) required for all Texas counties by Texas Government Code Section 71.0351(e). This report is based on case and expenditure data collected by counties throughout each year. The manual may also be used by county financial officers to establish a framework by which to develop and monitor accounts payable and fiscal recording of indigent defense expenses. Implementing a solid data collection framework will simplify collecting the data needed to complete the report.

## Contents of the IDER

The report captures the amount of money spent by counties for indigent defense, as well as the number of cases that are associated with those dollars, for the period **October 1, 2009 through September 30, 2010**. The statute requires that all Texas counties report amounts spent on attorney fees, licensed investigators, expert witnesses, and other direct litigation costs. The Task Force allows counties to capture and report the administrative costs directly associated with providing indigent defense in the county. Additional information on allowable and unallowable costs is provided later in the manual.

## Users of This Manual

This manual is written for county fiscal officers and employees responsible for completing the IDER. Other involved stakeholders would also benefit by understanding the report requirements and the data that must be collected.

## Use of the Report Data

The data contained in the report is used as the basis for policy evaluation and decisions of the Task Force. For example, in FY2009, the data collected in the IDER was used to calculate an equalization disbursement to counties, which makes accurate data collection and timely submission of the report essential. The report is also used by the Task Force to calculate whether the county has expended the amount necessary to qualify for the formula grant award. The formula for calculating the grant's minimum spending requirement is contained in the Formula Grant Request for Applications issued by the Task Force (See Appendix B). Finally, the data is made available to the public in summary and in reported form online at: <http://tfid.tamu.edu/Public/default.asp>.

## Glossary

**“Attorney Fees”** means the amount of money paid by the county to a licensed attorney in accordance with the statute and local fee schedule for legal services rendered to an indigent defendant.

**“Attorney Fee Voucher”** means an itemized invoice submitted for payment by an attorney that has been approved by a judge for service rendered in a criminal or juvenile matter. By statute, *“no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.”*

**“Case”** means the same definition used by the OCA/Judicial Council reporting instructions for monthly court activity reports which states:

“For the purpose of these reports, the number of criminal cases reported on this monthly reporting form should be based on the number of defendants named in an indictment or information (*documents filed to bring charges against a person*).

That is:

1. If a single indictment or information names more than one defendant, there is more than one case: as an example, if three defendants are named in one indictment, count this as three cases.
2. If the same defendant is charged in more than one indictment or information, there is more than one case: as an example, if the same person is named in four separate indictments, count this as four cases.
3. Finally, if an indictment or information contains more than one count (Article 21.24, CCP), report this as one case and report the case under the category for the most serious offense alleged.”

**"Crime"** means:

- (A) a misdemeanor punishable by confinement; or
- (B) a felony.

**"Defendant"** means a person accused of a crime.

**"Discretionary Grant"** means funding approved by the Task Force for a specific program designed to improve the quality of indigent defense services.

**“Expert Witness Fees”** means money paid by the county to a person/entity qualified by the court or by special certifications in a field of study or expertise to provide assistance to a licensed attorney in preparing or presenting a defense for an indigent defendant.

**"Formula Grant"** means funding allocated to counties in a fair manner through a formula based upon population figures or other criteria approved by the Task Force.

**"Fee Schedule"** means a list of the fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. Each fee schedule adopted will state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and will provide a form for the appointed counsel to itemize the types of services performed. An attorney appointed to represent the interests of a child in a juvenile proceeding will be paid in accordance with the same schedule.

**“Indigent Defense”** means the legal requirement for government to provide an attorney and other defense costs on behalf of adult defendants and juvenile respondents whose life or liberty are at stake and who are financially unable to employ an attorney or pay other defense costs.

**“Invoice”** means the accounts payable instrument that is submitted by an attorney, licensed investigator, expert witness, or other entity that itemizes the goods or services provided to the

court on behalf of an indigent defendant. By statute, “no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.”

“**Licensed Investigator Fees**” means money paid by the county to a person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in preparing a defense for an indigent defendant.

“**Other Direct Litigation Costs**” means money paid by the county to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney to prepare an adequate defense for an indigent defendant.

“**Respondent**” means a person accused of a juvenile offense.

**"Task Force on Indigent Defense"** (Task Force) is the governmental entity charged with developing policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings. The Task Force will:

- (A) provide technical support to:
  - (i) assist counties in improving their indigent defense systems; and
  - (ii) promote compliance by counties with the requirements of state law relating to indigent defense;
- (B) direct the Comptroller to distribute funds, including grants, to counties to provide indigent defense services in the county; and
- (C) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant, including enforcement, by directing the Comptroller to:
  - (i) withdraw grant funds; or
  - (ii) require reimbursement of grant funds by the county.

**"UGMS"** means the Uniform Grant Management Standards promulgated by the Governor's Office of Budget and Planning at 1 TAC §§5.141 - 5.167.

## Statute

### *GC § 71.0351. Indigent Defense Information*

*(e) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and send to the Office of Court Administration of the Texas Judicial System in the form and manner prescribed by the office and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent defendants during each fiscal year, information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county:*

- (1) in each district, county, statutory county, and appellate court;*
- (2) in cases for which a private attorney is appointed for an indigent defendant;*
- (3) in cases for which a public defender is appointed for an indigent defendant;*
- (4) in cases for which counsel is appointed for an indigent juvenile under Section 51.10(f), Family Code; and*
- (5) for investigation expenses, expert witness expenses, or other litigation expenses.*

*(f) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioners court and the commissioners court in retrieving information required to be sent to the Office of Court Administration of the Texas Judicial System under this section and under a reporting plan developed by the Task Force on Indigent Defense under Section 71.061(a).*

## Policy

The policy of the Task Force on Indigent Defense is to maintain reliable and consistent data to measure improvement of indigent defense services. Staff is directed to develop in conjunction with the Office of Court Administration report procedures consistent with this policy.

*– Adopted by the Task Force on Indigent Defense, April 23, 2003*

## Relationship of Court Cases to County Expenditures

The statute requires that counties report indigent defense expenditures and case information associated with those expenditures regardless of appointment system – assigned counsel, contract, or public defender. This is not a duplication of data collected by the Office of Court Administration through the district and county monthly court activity reports. **A county using the appointment data from the district or county clerks rather than the attorney fee voucher from auditor's/treasurer's office would not be completing the report correctly.**

The statute (Texas Code of Criminal Procedure Article 26.05 (c)) also states that *no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.* This holds true for all of the appointment methods except public defenders, where counties do not make payments for individual cases or defendants but still expend funds. The information reported must be consistent with the fee schedule adopted by the courts for each level of case.

The **assigned counsel** system is typically very straightforward. A payment is made to a defendant's appointed counsel. The bill must indicate the number of cases disposed of under each payment for a specific defendant. Cases disposed under discretionary grant-funded programs must be included in this portion of the report. (Capital murder cases and expenses may be claimed prior to case disposal.)

The **contract system** requires periodic payment regardless of the number of cases handled or the workload involved in the time period. The corresponding measure to assigned systems is that counties report the number of cases disposed during the payment period. Cases disposed under discretionary grant funded programs must be included in this portion of the report. (Capital murder cases and expenses may be claimed prior to case disposal.)

The **public defender system** handles cases without a corresponding billing. This requires a case management or tracking system to report the cases disposed for the corresponding expenditure period. Cases disposed under discretionary grant funded programs must be included in this portion of the report. (Capital murder cases and expenses may be claimed prior to case disposal.)

The **managed assigned counsel** (commonly referred to as “independent assigned counsel” or “private defender”) case and attorney payment information is reported under the assigned counsel system. The administrative costs need to be reported in the count’s administrative expense page. Cases disposed under discretionary grant-funded programs must be included in this portion of the report.

<b>Table 1. Types of Counsel Systems</b>		
<b>System</b>	<b>Accounts Payable Instrument</b>	<b>Method to Count Cases</b>
<b>assigned counsel system</b>	Invoice submitted by attorney on each case or defendant and approved by judge	Use cases paid as reported on attorney fee voucher
<b>contract system</b>	Invoice submitted by attorney for each time period and approved by judge	Use cases disposed as reported for attorney fee voucher period
<b>public defender system</b>	No invoice submitted. PD salaries paid sorted by case type (Capital, felony, misdemeanor, juvenile, and appeals). <b>See Public Defender Supplemental</b>	Cases disposed tracked on PD database and reported to auditor.
<b>managed assigned counsel system</b>	Invoice submitted by attorney on each case or defendant and approved by judge	Use cases paid as reported on attorney fee voucher

## Report Requirements

The report must be submitted by **November 1, 2010**. All reports must be submitted electronically at <http://tfid.tamu.edu> according to the submission instructions below. Report all expenses for attorney fees, licensed investigators, expert witnesses, and other direct litigation costs that the county incurred during the period beginning **October 1, 2009 through September 30, 2010**. Administrative expenses may be claimed if they are directly related to indigent defense processes or procedures. All indigent defense expenses made by the county including Discretionary Grant costs must be included in this report. General government costs may not be allocated to indigent defense.

Counties that do not have the technology required to submit the report electronically must request a waiver from the Director of the Task Force by letter or fax **no later than October 8, 2010**. Instructions for submitting a hard copy of the report will accompany the waiver. Counties receiving waivers must provide a hard copy of the completed report to the Task Force office no later than **November 1, 2010**.

The Task Force has adopted rules under Chapter 173 of the Texas Administrative Code for administering grant funds. Counties may discuss with Task Force staff any conditions unique to a county that would impede the submission of information in the manner required by the Task Force.

***Requests for waivers must be made in writing.*** Mail or fax requests for waivers and other documents to:

Task Force on Indigent Defense  
Attention: Grants Administrator  
205 West 14<sup>th</sup> Street, Suite 600  
PO Box 12066  
Austin, Texas 78701  
Phone: 512-936-6994 / Fax: 512-475-3450

## **Allowable Costs**

Allowable costs include:

- Direct costs paid by the county on behalf of a defendant or juvenile respondent to provide a defense to the charges brought by the State, to provide mitigating evidence related to the commission of a crime, or to assist in an appeal after a conviction. This includes attorney fees, licensed investigator fees, expert witness fees, lab fees, transcript fees, mental health evaluations, sociological evaluations, copying fees, and many other costs paid by the county to assist the defendant in mounting his or her defense against the charges brought by the State;
- Attorney fees paid by the county to represent a defendant for contempt of court charges arising from a civil action are allowable as long as the representation is limited to the loss of liberty issue and not the civil action; and
- Administrative costs (with proper supporting documentation) related to implementing the Fair Defense Act that are distinguishable costs and not general government costs (see table below).

<b>Table 2. Examples of Increased Administrative Costs</b>		
<b>Type of Expense/ Position</b>	<b>Description</b>	<b>Documentation Needed</b>
Personnel (Indigent Defense Coordinator, indigency screeners, etc.)	Full time or part-time position dedicated to coordinating the application of the Fair Defense Act requirements.	Job description indicating the position is dedicated to processes related to indigent defense and not general court administration. Personnel and payroll records of funded positions. If part-time positions are claimed, the estimated percentage of time devoted to indigent defense.
Travel and Training	The travel or training for positions directly implementing the Fair Defense Act. If there are no allowable salaries then there can be no allowable travel and training.	Travel and training receipts for persons funded as indigent defense coordinators.



Equipment	New equipment purchased and used exclusively for implementing Fair Defense Act requirements.	Location of equipment is consistent with use for indigent defense. Documentation indicating the purchase is mandatory to implement or complete reporting requirements of the Fair Defense Act.
Supplies	Materials purchased and used exclusively for implementing Fair Defense Act requirements. This may include cost of printing Applications of Indigency and Request for Court Appointed Counsel forms.	Receipts or invoices and normal records related to allocation of the expense.

## Unallowable Costs

The Task Force has adopted UGMS to determine unallowable costs for the grants. The same principles are used when reporting counties' indigent defense costs (See UGMS for a more detail of unallowable costs and principles: [www.governor.state.tx.us/files/state-grants/UGMS062004.doc](http://www.governor.state.tx.us/files/state-grants/UGMS062004.doc) ). Specifically, in accordance with statute, UGMS, and/or Task Force policy, the following costs are not allowable:

- General government costs;
- Costs of law enforcement, prosecution, and incarceration;
- Replacing existing county funding with grant funds (supplanting);
- Prosecution costs such as attorney fees, licensed investigator fees, expert witness fees, lab fees, transcript fees, mental health evaluations, sociological evaluations, copying fees, or any other costs paid by the county to prosecute a defendant;
- Cost of operating court systems including docketing, general case management systems, or court and administrative personnel unrelated to the provision of indigent defense;
- Court reporters – The routine fees and costs associated with court reporting are not allowable. Counties expending additional funds for transcription fees (statement of facts) on behalf of an indigent defendant's appeal may claim the additional direct costs as "Other Litigation Expenses";
- Court Interpreters – Interpreters are required to be provided by courts regardless of a person's indigent status; therefore it is considered a general government cost;
- Civil case attorney fees, other than payments to attorneys appointed to represent juveniles on cases arising from Title 3 of the Texas Family Code (Juvenile Justice Code). Unallowable attorney fees include those for child protection cases brought by Children Protective Services

(CPS), battered women's intervention and protection, various civil county-appointed ad litem (probate or other civil matter), or in forma pauperis civil cases;

- Civil case expenses for investigators, expert witnesses, or other litigation expenses paid for by the county, other than payments on cases arising from Title 3 of the Texas Family Code (Juvenile Justice Code);
- Civil case court reporters' and interpreters' fees, other than payments on cases arising from Title 3 of the Texas Family Code (Juvenile Justice Code);
- Expenses, including equipment used for county offices, not directly involved in the provision of indigent defense services (e.g., computer for prosecutor's office or tax office; expert witness or mental health evaluation provided for the prosecution, etc.);
- Indirect costs such as cost allocation plans, general county administration, human resources, or other administrative fees.

## Allocation of Costs

Counties must follow allocation guidelines established in UGMS for grant fund use when completing the report. If indigent defense grant or county funds are used to pay for goods or services that benefit other programs in addition to indigent defense, the cost of those goods and services should be allocated among the benefiting programs so that grant funds are not used for or credited to purposes unrelated to the indigent defense program. As with any grant fund, allocation documentation must be maintained locally and available for review.

## Record Retention Requirements

Counties must maintain records related to the report activity for at least three years after the end of the submission of the report. Records may be stored electronically.

## Special cases

**Out-of-state extradition cases** should be categorized as "Payment Made and No Charges Filed by Prosecutor." A footnote on the report indicating the prevalence of this type of case can be included, but is not required. There may be other types of cases in jurisdictions that are similar in nature to out-of-state extraditions that could also be captured in this box.

**Un-filed drug court, pre-trial release, or pre-trial diversion cases** that have a court appointed attorney are counted as "Payment Made and No Charges Filed by Prosecutor." If the activity is part of existing district or statutory county court processes, report the case and attorney payment information in that courts. However, if the drug court is a standalone court, report the activity in this court separately.

**Appeals** must be counted as a separate case.

## Monitoring and Auditing

Records must be made available to the Task Force or its designees upon request. (See Texas Administrative Code, Rule §173.401 for more details.)

## Public Defender Offices

A supplemental reporting procedure manual has been developed to address indigent defense issues that are unique to counties with public defender offices. ***Counties with public defender offices must use the forms and methods described in the Public Defender Office Supplemental Manual.*** For assistance with reporting for public defender offices, contact the Task Force Grant Administrator.

## Regional Indigent Defense Programs

Counties participating in regional public defender offices or other type of regional indigent defense programs have special reporting requirements. The administrative county will report all costs and their own cases on the IDER. The administrative counties will report all expense information in the manner and format required. The administrative county will provide to participating counties the number of cases served in each county. The participating counties will report their contribution to the administrative county on the main IDER page under the Regional Indigent Defense Programs expense section “Total funds paid to participating counties” and the cases in the appropriate courts.

## How to submit a report

Questions about the report, time periods, or content must be directed to Bryan Wilson, Grants Administrator for the Task Force at [bryan.wilson@courts.state.tx.us](mailto:bryan.wilson@courts.state.tx.us) or 512-936-6996. If you experience any technical difficulties with the website or instructions provided below, contact Darby Johnson, [djohnson@ppri.tamu.edu](mailto:djohnson@ppri.tamu.edu), 979-845-2003.

1. Go to the PPRI Task Force website at <https://tfid.tamu.edu>.
2. Enter your username and password:  
**Contact Jim VanBeek at [jvanbeek@ppri.tamu.edu](mailto:jvanbeek@ppri.tamu.edu) to retrieve username and log in information. Lost passwords may also be automatically reset by clicking on the link on the login page.**
3. Ensure that the “SELECT YEAR:” is FY2010
4. After reaching the PPRI Task Force Home Page, locate the menu of options on the left. Under the heading labeled “ID Expenditure Report,” select the subheading “Edit <County> FY10 Report.” This will bring up the forms you need.
5. The main page reflects general report and county contact information to be completed by the person reporting. The specific court report pages are below the general information.
  - a. **Fiscal Year Used by County** – Use the drop down menu to select the correct time period that the county uses for its fiscal year.
  - b. **Reporting Period** – is set by the Task Force as October 1, 2009 - September 30, 2010.

- c. **County's Accounting Method** – Use the pull down menu to select the accounting method used by the county.
  - d. **Financial Officer** – This information is pre-loaded from the county's homepage. If a change needs to be made, please back up to that screen.
  - e. **Contact Person** – If someone other than the county auditor/treasurer needs to be contacted about the report, please type their name here.
  - f. **Reimbursements** – Report any funds deposited into the county's accounts from reimbursement of court appointed fees collected by clerks or probation departments.
6. After completing or verifying the main report page, click on an individual court link or the administrative report link and the page will appear. (You may want to print the blank form for reference while gathering the requested information.) Complete the financial and case data. Complete all pages associated with the county. See "Appendix A" for sample report pages.

**Individual Court Report Page** – The statute requires that the information be reported by court. The county's accounts payable system must capture case and expenditure data by each court over which each judge presides. Financial officers must utilize the attorney invoice required in the statute to attribute the expense and case data to the court of the judge signing the case. Payments authorized by visiting judges and magistrates will be attributed to the judge for whom they were serving at the time of payment approval. This is a fiscal collection issue and does not affect issues of judicial administration related to case filings and blended dockets.

Click on each court that is listed for the county. If the court does not hear criminal or juvenile matters, enter "0" in any space and save the report. If a court hears criminal or juvenile matters and the financial officer is not able to submit the data in accordance with the statute, please provide an explanation in the notes box. Complete the data for each box. Insert zeros when there are no expenses in a specific category. Failure to report for each court that hears criminal or juvenile matters could result in suspension of grant payments and possibly loss of grant funds.

If a county believes it has authority to combine court reports rather than to separate expenses for specific courts, then the county must provide written justification why it believes it is exempt from the IDER statute. The county must provide statutory citation to the exemption and any supporting documents. Otherwise, each court in the county hearing criminal or juvenile matters must report case and expenditure data as described in these instructions based on the model of *no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.*

**Category of Services** (See Appendix A, page 14) – To complete the on-line court report page for both the adult and juvenile sections,, determine from the attorney fee vouchers or general ledger summary what type of expenses (contract or assigned counsel) each court pays and which of the reportable expenses (investigator expenses, expert witness, or other direct

litigation cost) are associated with the attorney payments. Then complete the juvenile section and the adult section as follows:

If the court hears juvenile cases and pays attorneys as assigned counsel, then complete row 1 column 1 with the amount paid to the assigned attorneys. In the next columns, enter the expenses paid to investigators, expert witnesses, and other direct litigation expenses associated with the assigned counsel payments in row 1 column 1. Enter all contract attorney-related expenses in the second row, followed by the other expenses in the following columns. If the court uses both assigned counsel and contract counsel, then total expenses must be recorded into the appropriate rows and columns.

**Note:** In the court or administrative pages, “**Save**” allows the user to stop at any point and save the data entered. ‘Save’ will store updated information and return the user to the Expenditure Cover Sheet page. Please use “**Save**” often to avoid data loss.

Complete the same information for adult cases below the juvenile section. Repeat this process for all courts in the county hearing juvenile or criminal cases.

**Important:** Some judges/courts allow attorneys to submit the attorney fee voucher with the investigator, expert witness, and other direct litigation costs included in the invoice. In accordance with the reporting statute, the financial officer must separate these expenses for report purposes.

**Case Count Section** – The cases reported must be associated with the expenses reported in the top sections.

- **Juvenile Cases** - Cases where the attorney fee vouchers reveal that the cases paid are reported as juvenile cases, regardless of offense level or classification. This relates to juvenile expenses only.
- **Capital Murder Cases** – Cases where the defendant is charged with capital murder. Capital murder cases and expenses must be claimed for each year from the time of filing to the year of final disposition.
- **Adult Felony Cases** – Cases where the attorney fee vouchers reveal that the cases paid are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This relates to adult expenses only.
- **Adult Misdemeanor Cases** - Cases where the attorney fee vouchers reveal that the cases paid are reported as misdemeanors. This includes motions to revoke community supervision (probation) cases classified as misdemeanors. This relates to adult expenses only.
- **Juvenile Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e. direct appeals and writ of habeas corpus). This relates to juvenile expenses only. Do not include motions to modify disposition.
- **Felony Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e. direct appeals and writ of habeas corpus). This relates to adult felony expenses only. Do not include motions to revoke probation.

- **Misdemeanor Appeals** - Cases where the attorney fee vouchers reveal that the cases being paid result from the filing of an appeal or post-conviction action (i.e. direct appeals and writ of habeas corpus). This relates to adult misdemeanor expenses only. Do not include motions to revoke probation.
- **Payment Made and No Charges Filed by Prosecutor - Adult Cases** - Cases where the attorney fee vouchers do not reveal any information about the level of the charge related to the expense, and the financial officer cannot deduce easily that the case is associated with a particular level of court. This relates to adult expenses only.
- **Payment Made and No Charges Filed by Prosecutor - Juvenile** - Cases where the attorney fee vouchers do not reveal any information about the level of the charge related to the expense, and the financial officer cannot deduce easily that the case is associated with a particular level of court. This relates to juvenile expenses only.
- **Total Cases**- The sum of all cases reported for that court.

**Administrative Page** – The administrative page is an optional page. Many Texas counties do not collect administrative expenditure data in a way that separates general court operations expenses from their indigent defense program costs. Personnel costs include indigent defense coordinators, but not court administrators, unless there is clear documentation of the costs attributable to indigent defense services. These costs are described in detail above in the Allowable Costs section (see Table 2).

7. When finished entering all court and administrative data, select one of the two buttons at the bottom of the cover sheet page:
  - a. **“Save”** allows the user to stop at any point and save the data entered. “Save” will store updated information and return the user to the Task Force homepage.
  - b. **“Submit”** posts all of the data recorded by the county into the system. A confirmation number will appear, along with a note indicating that the report has been submitted.
8. Print the confirmation page and retain for your records.

If corrections are required after the report has been submitted, you must coordinate necessary changes with the Task Force Grant Administrator.

### **Direct comments or questions to:**

#### **Bryan Wilson**

Grants Administrator  
 Task Force on Indigent Defense  
 205 W. 14th Street, Suite 700  
 Austin, Texas 78701  
 866-499-0656 TFID Toll Free Line  
 512-936-6996 Bryan's Direct Line  
 512-475-3450 Fax Line  
 website: [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid)  
 e-mail: [bryan.wilson@courts.state.tx.us](mailto:bryan.wilson@courts.state.tx.us)



## Appendix A

### FY10 Expenditure Reporting Form **SAMPLE FORMS** (Note: Actual on-line forms may vary)

#### Main Report Page

#### Office of Court Administration - Task Force on Indigent Defense Indigent Defense Expenditure Report XXXX County, FY10

##### Submission Information

Confirmation Number

Fiscal Year Used by County

October 1 - September 30

Reporting Period:

October 1, 2009 - September 30, 2010

County's Accounting Method:

Accrual

Financial Officer

Auditor

Contact Person (if other than above) for report issues

#### Reimbursements

Do not subtract the following reimbursement amounts from other sections on this report.

Reimbursements: Total Amount Collected From Defendants Pre or Post Disposition.

Do not subtract this amount from other sections on this report.

Reimbursements: Total Amount Received From the State Comptroller for 11.071 Writs of Habeas Corpus Costs.

Reimbursements: Total Amount Received For Indigent Defense Costs From Other Private or Government Grants.

#### Regional Indigent Defense Programs

Total funds received from participating counties

Total funds paid to participating counties

#### Court Report

Complete one chart of expenditures for each court (i.e., constitutional county court, statutory court, district court and/or appellate court) in the county that hears criminal cases and criminal juvenile matters. The County Magistrate Court and Juvenile Court have been included for the cases where the costs and numbers cannot be assigned to a specific court otherwise listed.

Click on a court name to submit expenses for the selected court.

[Xth District Court](#), Total Expenditures: , Total Cases: 0

[County Court](#), Total Expenditures:, Total Cases

[County Magistrate Court \(combined\) - Use only if cases are not attributable to a specific court.](#)

[Juvenile Court - Use only if cases are not attributable to a specific court.](#)

NOTE: Selecting an individual court will bring up that court's individual report page as shown below:

**Individual Court Report Page**  
**Indigent Defense Expenditure Report, Court Report, BLANK County**  
**X th District Court**

**Expenditures**  
**October 1, 2009 - September 30, 2010**

Category of Services	Attorney Fees	Investigation Expenditures	Expert Witness Expenditures	Other Litigation Expenditures
<b>Juvenile</b>				
Assigned Counsel				
Contract Counsel	\$ 0.00			
<b>Capital Murder</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Non-capital Felony</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Misdemeanor</b>				
Assigned Counsel				
Contract Counsel				
<b>Total Trial</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Juvenile Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Felony Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Misdemeanor Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Total Appeals</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Payments Made and No Charges Filed by Prosecutor - Juvenile</b>				
Assigned Counsel				
Contract Counsel				
<b>Payments Made and No Charges Filed by Prosecutor - Adult</b>				
Assigned Counsel				
Contract Counsel				



<b>Total NCF</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Overall Total</b>	<b>\$5,030.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Category	Assigned Counsel Cases	Contract Counsel Cases
Juvenile Cases		
Capital Murder Cases		
Adult Non-Capital Felony Cases		
Adult Misdemeanor Cases		
Juvenile Appeals		
Adult Felony Appeal Cases		
Adult Misdemeanor Appeal Cases		
Payment Made and No Charges Filed By Prosecutor - Juvenile		
Payment Made and No Charges Filed By Prosecutor - Adult		
<b>Total Cases</b>		

If you are unable to follow the instructions in the IDER manual please check one or more of the boxes:

- ☐ Cases reported above are based on information from a clerk's office and not associated with the payment information in the attorney fee voucher.
- ☐ The financial figures are estimates or are for some other reason unreliable.
- ☐ The case counts are estimates or are for some other reason unreliable.

Notes (Please include any information needed by the Task Force related to this report.)

## **Administrative Expenditure Page**

### **Indigent Defense Increased Administrative Expenditure Report Addendum**

If a county has administrative costs directly applicable to indigent defense and the county has proper supporting documentation, complete this chart.

[Complete Indigent Defense Administrative Expenditure Report Addendum](#)

### **Addendum**

#### **Administrative Expenditures**

**October 1, 2009 - September 30, 2010**

Counties reporting administrative expenditures for FY10 may report those costs on this form. Reported costs must be related to indigent defense and follow cost principles established in the Uniform Grant Management Standards.

<b>Expenditure Category</b>	<b>Expenditures</b>
<b>Administrative Expenditures</b>	
Personnel	<input type="text"/>
Travel and Training	<input type="text"/>
Equipment	<input type="text"/>
Other Direct Expenditures	<input type="text"/>
Total Administrative Expenditures	<input type="text"/>

### **Combined County Report Page**

The chart of expenditures is automatically summed over the individual courts entered in the previous section and can be used as a check for county totals. This should include all courts hearing criminal and juvenile cases in the county. This section is used as a single annual report for counties that received FY2010 formula Grants.

<b>Combined County Report</b>				
October 1, 2009 - September 30, 2010				
Number of Courts: 2				
Category of Services	Attorney Fees	Investigation Expenditures	Expert Witness Expenditures	Other Litigation Expenditures
<b>Juvenile</b>				
Assigned Counsel				
Contract Counsel				
<b>Capital Murder</b>				
Assigned Counsel				
Contract Counsel				

<b>Adult Non-capital Felony</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Misdemeanor</b>				
Assigned Counsel				
Contract Counsel				
<b>Total Trial</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>Juvenile Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Felony Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Adult Misdemeanor Appeals</b>				
Assigned Counsel				
Contract Counsel				
<b>Total Appeals</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>Payments Made and No Charges Filed by Prosecutor - Juvenile</b>				
Assigned Counsel				
Contract Counsel				
<b>Payments Made and No Charges Filed by Prosecutor - Adult</b>				
Assigned Counsel				
Contract Counsel				
<b>Total NCF</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>Overall Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Category			Assigned Counsel Cases	Contract Counsel Cases
Juvenile Cases				
Capital Murder Cases				
Adult Non-Capital Felony Cases				
Adult Misdemeanor Cases				
Juvenile Appeals				
Adult Felony Appeal Cases				
Adult Misdemeanor Appeal Cases				
Payment Made and No Charges Filed By Prosecutor - Juvenile				
Payment Made and No Charges Filed By Prosecutor - Adult				

Total Cases		
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**Summary**

Total of Court Expenditures:

Total of Administrative Expenditures:

\$

Total of Court and Administrative Expenditures:

**Increased Administrative Expenditures, BLANK County  
October 1, 2009 - September 30, 2010**

Counties reporting increased administrative expenditures for FY2009 over the FY01 baseline may report those costs on this form. Reported costs must be related to indigent defense and follow cost principles established in the Uniform Grant Management Standards.

Expenditure Category	Expenditures
Personnel Expenditures	
Travel and Training Expenditures	
Equipment Expenditures	
Other Direct Expenditures	\$0.00
Total Administrative Expenditures	\$0.00

Total funds received from participating counties:	
Total funds paid to participating counties:	\$0.00

## Appendix B

### ***Calculating the Formula Grant***

The statutory indigent defense expenditure report also serves as the year-end formula grant report for FY 2010 and is used to qualify a county for FY 2011 funds. To determine grant eligibility, actual expenses for FY 2010 are compared to the baseline (FY 2001) year. If the difference between the total expenditures in FY 2001 and FY 2010 is equal to or greater than the amount of the FY 2010 Statement of Grant Award, then the county has fulfilled its obligation to expend FY 2010 Formula Grant funds and qualifies for the FY 2011 payments.

<b>Table 3... Examples of Grant Calculations</b>				
	<b>FY 2001 Baseline Expenses</b>	<b>FY 2010 Actual Expenses</b>	<b>FY 2010 Award Amount</b>	<b>Results</b>
Example 1	\$100,000	\$200,000	\$50,000	The increase of at least \$100,000 over the baseline year establishes the county as having spent the full amount of the grant and qualifies the county for the FY 2011 funds.
Example 2	\$100,000	\$150,000	\$50,000	The increase of \$50,000 over the baseline year establishes the county as having spent the full amount of the grant and qualifies the county for the FY 2011 funds.
Example 3	\$100,000	\$120,000	\$50,000	The increase of only \$20,000 over the baseline year establishes that the county did not spend the full amount of the FY 2010 grant award. It may not qualify to receive payments in FY 2011 until it demonstrates need in a supplemental report.
Example 4	\$100,000	\$50,000	\$50,000	The decrease of \$50,000 below the baseline year establishes that the county did not spend the full amount of the grant award. It may not qualify to receive payments in FY 2011 until it demonstrates need in a supplemental report.

The information submitted in this report is also used to calculate the equalization payments. See the Equalization Disbursement Policy at:

<http://www.courts.state.tx.us/tfid/pdf/Equalization%20Policy%20Adopted.pdf>